

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

CHARLES F. TUCKER,

Plaintiff,

v.

Warden LAWRENCE WHITTINGTON,
et al.,

Defendants.

CIVIL ACTION NO.
5:22-cv-00423-TES-CHW

ORDER ADOPTING THE UNITED STATES
MAGISTRATE JUDGE'S RECOMMENDATION

Before the Court is the United States Magistrate Judge's Order and Recommendation ("O&R") [Doc. 33], recommending that the Court grant Defendant Warden Lawrence Whittington's Motion for Judgment on the Pleadings [Doc. 20] and dismiss Plaintiff Charles Tucker's claims for failure to exhaust administrative remedies.¹ Because Plaintiff did not file a timely objection, the Court reviews the O&R for clear error. *See* 28 U.S.C. § 636(b)(1)(C) *in connection with* Fed. R. Civ. P. 6(a)(1) & (d). Having reviewed the O&R [Doc. 33], the Court **ADOPTS** it and **MAKES IT THE ORDER OF**

¹ As a result, because Plaintiff has no remaining claims and discovery is no longer warranted, the magistrate judge denied as futile the parties' respective motions for an extension of time to complete discovery. [Doc. 33, p. 9]; *see* [Doc. 21]; [Doc. 31].

THE COURT. Accordingly, the Court **GRANTS** Defendant's Motion for Judgment on the Pleadings [Doc. 20] and **DISMISSES** Plaintiff's claims **without prejudice**.

SO ORDERED, this 23rd day of July, 2024.

S/ Tilman E. Self, III

TILMAN E. SELF, III, JUDGE
UNITED STATES DISTRICT COURT